REMARKS

Presently, claims 6-18 are pending in the application and are unamended. Claims 6-14 and 18 have been allowed.

Examiner Interview

Applicant thanks Examiner Tran for extending the courtesy of a telephone interview in respect to this application on October 14, 2004 with Applicant's undersigned representative. During the interview, previously faxed draft Remarks regarding the Examiner's rejections of claims 15-17 were discussed. No agreement on allowability of claims 15-17 was reached during the telephone interview. However, the Examiner encouraged Applicant to formally file a Response After Final so that a more complete consideration can be given to Applicant's arguments. Accordingly, the arguments included in the draft Remarks are repeated in this paper and are substantively unchanged from the draft previously faxed to the Examiner.

Prior Art Rejection -- § 103(a)

The Examiner has rejected claims 15-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,567,175 B1 to Lee ("Lee") in view of U.S. Patent No. 5,960,166 to Brown, III *et al.* ("Brown"). The Examiner contends that Lee teaches all elements of the claimed invention with the exception of a printer processing received data from a computer by using the judged emulation corresponding to a selected printer driver. The Examiner further contends that Brown teaches this missing element, and concludes that it would have been obvious to one of ordinary skill in the art to modify the printer taught by Lee to process data received from a computer as taught by Brown. With respect to a printer driver selecting section, the Examiner contends the Lee teaches that the control unit 10 receives information about the state of computer and printer 50 such as a storage overflow error or a band error. The Examiner further contends that it would be understood from Lee that the capacity of the storage device or the band is related to the size of the image data from the computer, and therefore at least an image data size, a free

memory size of the computer and a free memory size of the printer is checked and that the second printer driver is selected based on that environment (see page 3-4 of the Office Action). Applicant respectfully traverses this rejection.

Lee teaches a computer printing system for changing a printer driver. Lee's system includes a computer 80 with a storage device 20 having an integrated printer driver 25 including a plurality of printer drivers 20a, 20b and 20c depending on the type of operating system. Lee further teaches a control unit 10 which includes a printer driver calling device 215 for searching and choosing one of the plurality of printer drivers 20a, 20b and 20c. The control unit 10 generates control signals which in turn select one of the printer drivers. The control signals are determined based on "information about the state of the computer 80 and the printer 50 (e.g. a storage device overflow error, a band error, a paper jam, and a no-response to application program error, etc.)" (see col. 5, lines 26-28 of Lee). If printing errors occur when using the initially selected printer driver, the control unit 10 receives additional information about the state of the computer 80 and printer 50 and inputs additional control signals into the printer driver calling device 215 to call a second printer driver 20b in an attempt to overcome the error. Lee teaches that the initial setting of the printer driver may be performed by the computer or an operator.

Independent claim 15 of the present invention recites, in relevant part:

> A printing system comprising:
>
> a computer and a printer, said computer including a plurality of printer drivers respectively corresponding to different emulations; and
>
> a printer driver selecting section which performs a comparison <u>on the basis of at least an image data size, a free memory size of said computer and a free memory size of said printer</u>, and selects one of said plurality of printer drivers <u>based on a result of said comparison</u> . . . (emphasis added)

Initially, Applicant respectfully points out that the Examiner appears to read the elements of claim 15 "at least an image data size, a free memory size of said computer <u>and</u> a free memory size of said printer . . . " as to merely require only one of these factors or criteria. That is, as noted in the Office Action on the bottom of page 3, the Examiner contends that the capacity of

the storage device or the band is related to the size of the image data from the computer, and thus that at least an image data size, a free memory size of the computer and a free memory size of the printer is checked and the second printer driver is selected based on that environment. However, even if Applicant concedes, which he does not, that Lee teaches a free memory size of the computer, Lee does not teach, and the Examiner has not pointed to another teaching of, using the combination of at least an image data size, a free memory size of said printer and a free memory size of said computer to select printer driver based on the comparison of these three elements. That is, the language in claim 15 clearly states that the comparison is performed on the basis of at least "an image data size, a free memory size of said computer and a free memory size of said printer . . . ." Thus, the invention of claim 15 allows for the use of other criteria in addition to the image data and free memory size of the computer and printer may be used to assess and determine which printer driver should be selected for the desired print job. For this reason alone, the combination of Lee and Brown does not teach all elements of independent claim 15.

Additionally, Applicant acknowledges and agrees with the Examiner that Lee teaches that the control unit 10 receives information about the state of the computer 80 and printer 50 (e.g., a storage device overflow error, a band error, a paper jam, and a no-response to application program error, etc.). However, Lee does not teach that the "operational state of computer" includes an image data size and/or a free memory size of said computer as recited in independent claim 15. Although the Examiner contends that a "band error" is related to the size of the image data from the computer, Lee does not teach that such band error is in fact "a free memory size of said computer." That is, Lee merely teaches that the control unit receives information, for example, a band error. A band error, or any other error, does not necessarily include the actual free memory size of said computer or any other actual number representing a quantitative assessment of a size of the image data, free memory size of said computer or free memory size of said printer. Rather, an error message merely indicates that the present state is outside the allowed bounds of the represented category and does not provide any other additional information about that category.

Furthermore, even if Applicant concedes, which he does not, that Lee teaches all three of the noted elements in claim 15 (e.g., using an image data size, a free memory size of said computer and a free memory size of said printer to select one of the remaining printer drivers),

Lee does not teach that the new printer driver is selected "on the basis of" a comparison amongst these elements. That is, assuming *arguendo* that the control unit 10 receiving information about the state of the computer 80 and printer 50, inherently teaches each of these elements, Lee does not teach how, why and/or on what basis the next printer driver is selected. Lee merely teaches that the control unit 10 "inputs control signals into the printer driver calling device 215 in order to call the second printer driver 20b of storage device 20 in an attempt to overcome the error. Thus, Lee does not teach on what basis the selection of the next printer driver is made, let alone that such selection is made on the basis of "at least an image data size, a free memory size of said computer and a free memory size of said printer" as recited in independent claim 15. Accordingly, Applicant respectfully submits that Lee does not teach each and every element of independent claim 15.

Although the teachings of Brown may be in the same field of endeavor as those of Lee, Brown does not teach the elements of claim 15 which are not taught or suggested by Lee. Brown teaches using high level page description language to convey page information from the host computer to the printer controller in situations where conventional printer drivers do not produce the required data in bit map format. However, Brown does not teach or suggest "a printer driver selecting section which performs a comparison on the basis of at least an image data size, a free memory size of said computer and a free memory size of said printer, and selects one of said plurality of printer drivers based on a result of said comparison." Accordingly, Applicant respectfully submits that the combination of Lee and Brown does not teach or suggest all of the elements of independent claim 15 to result in Applicant's invention. Therefore, claim 15 is believed to be allowable over the combination of Lee and Brown.

Independent claim 16 recites "a data transfer speed determining section which determines a data transfer speed when image data is transferred from said computer to said printer; and a printer driver selecting section which selects one of said plurality of printer drivers on the basis of the size of said image data, a free memory size of said printer and said data transfer speed." For the same reasons discussed above with respect to independent claim 15, neither Lee nor Brown teaches this element of claim 16. Accordingly, independent claim 16 is believed to be allowable over the combination of Lee and Brown.

Independent claim 17 recites "a drawing capability determining means which determines a computer drawing capability and a printer drawing capability when image data is draw-

processed respectively by said computer and said printer; and a printer driver selecting section which selects one of said plurality of printer drivers on the basis of the determined computer drawing capability and the determined printer drawing capability." For the same reasons discussed above with respect to independent claim 15, neither Lee nor Brown teaches this element of claim 17. Accordingly, independent claim 17 is believed to be allowable over the combination of Lee and Brown. Reconsideration and withdrawal of the Examiner's rejection of claims 15-17 are respectfully requested.

Allowable Subject Matter

The Examiner has allowed claims 6-14 and 18. Applicant thanks the Examiner for this indication of allowable subject matter.

Entry of Rule 116 Response

Entry of the response is requested because such entry renders moot the outstanding rejection under 35 U.S.C. § 103. Also, at the telephone interview, the Examiner agreed to allow entry of the response. The response does not raise any new issues that would require further consideration and/or searches, since all of the limitations in the pending claims were previously presented, considered and presumably searched. No new matter is raised by this response.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that the Examiner's rejection has been overcome, and that the application, including claims 6-18, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejection and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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(Date)

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